

**From:** prashanth@jibenetworks.com@inetgw  
**To:** Microsoft ATR  
**Date:** 1/25/02 11:53am  
**Subject:** On the Microsoft Antitrust Settlement

January 25, 2002

Honorable Judge Colleen Kollar-Kotelly  
United States District Court for the District of Columbia  
333 Constitution Avenue, NW  
Washington, DC 20001

Your Honor:

I am a software engineer in the Bay Area, and am working on developing networking client software that runs on Microsoft's Windows platform.

I am of the strong belief that open and accessible standards, especially for activities that are central to everyday living and commerce, are an unqualified good. Examples of this are email and web standards like HTML. And text document standards should be as well; unfortunately, the Word document format prevails in most of the business world today (prevalent from employee applicant resumes, to forms, to meeting minutes).

In order to interact with most people, businesses and publications via email, one needs to run Windows Office software due to these unofficial standards. For quite a lot of people, Windows platforms are not the platforms they would willingly choose to run.

The antitrust settlement is flawed in that it allows Microsoft to propagate its platform on even more users, specifically schools, even though as is well known, most schools would rather prefer to use a Apple Macintosh platform (or increasingly, the Linux platform).

I would urge the court to reconsider this settlement. There have been numerous criticisms of it, both from IT industry analysts as well as ordinary users. One recommendation for a settlement design I would like to draw your

attention to is at:

<http://www.gnu.org/philosophy/microsoft-antitrust.html>

I repeat the best points below:

- \* Require Microsoft to use its patents for defense only, in the field of software. (If they happen to own patents that apply to other fields, those other fields could be included in this requirement, or they could be exempt.) This would block the other tactic Microsoft mentioned in the Halloween documents: using patents to block development of free software.

We should give Microsoft the option of using either self-defense or mutual defense. Self defense means offering to cross-license all patents at no charge with anyone who wishes to do so. Mutual defense means licensing all patents to a pool which anyone can join--even people who have no patents of their own. The pool would license all members' patents to all members.

It is crucial to address the issue of patents, because it does no good to have Microsoft publish an interface, if they have managed to work some patented wrinkle into it (or into the functionality it gives access to), such that the rest of us are not allowed to implement it.

- \* Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

Secret hardware specifications are not in general Microsoft's doing, but they are a significant obstacle for the development of the free operating systems that can provide competition for Windows. To remove this obstacle would be a great help. If a settlement is negotiated with Microsoft, including this sort of provision in it is not impossible--it would be a matter of negotiation.

These two provisions would provide more choice for both participants and consumers in the IT industry. This should be central to the design of an antitrust settlement, especially since Microsoft has been found guilty, via the court's Findings of Fact, of obstructing competition.

Respectfully yours,

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